

183768

**WILLOUGHBY & HOEFER, P.A.**

ATTORNEYS & COUNSELORS AT LAW

930 RICHLAND STREET

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

MITCHELL M. WILLOUGHBY  
JOHN M.S. HOEFER  
ELIZABETH ZECK\*  
RANDOLPH R. LOWELL  
K. CHAD BURGESS  
NOAH M. HICKS II\*\*  
BENJAMIN P. MUSTIAN  
M. McMULLEN TAYLOR

January 16, 2007

AREA CODE 803  
TELEPHONE 252-3300  
TELECOPIER 256-8062

TRACEY C. GREEN  
SPECIAL COUNSEL

\*ALSO ADMITTED IN TX  
\*\*ALSO ADMITTED IN VA

**VIA HAND-DELIVERY**

The Honorable Charles L.A. Terreni  
Chief Clerk/Administrator  
**Public Service Commission of South Carolina**  
101 Executive Center Drive  
Columbia, South Carolina 29210

RECEIVED  
2007 JAN 16 PM 3:12  
SC PUBLIC SERVICE  
COMMISSION

RE: Application of Carolina Water Service, Inc. for approval of a contract with Ashworth Development Company and Hitchens Development Company, d.b.a. Heron Cove Joint Venture to serve Phases 5 and 6 of Heron Cove  
Docket No.: 2006-393-W/S

Dear Mr. Terreni:

Enclosed for filing please find the original and five (5) copies of the Affidavits of Publication in the above-referenced matter. By copy of this letter, I am serving counsel for the Office of Regulatory Staff with a copy of same and enclose a certificate of service to that effect. I would appreciate your acknowledging receipt of this document by date-stamping the extra copy that is enclosed and returning it to me via my courier delivering same.

If you have any questions or if you need any additional information, please do not hesitate to contact us.

Sincerely,

**WILLOUGHBY & HOEFER, P.A.**



Benjamin P. Mustian

BPM/amw  
Enclosure

cc: Florence P. Belser, Esquire  
Nanette S. Edwards, Esquire

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2006-393-W/S**

RECEIVED  
2007 JAN 16 PM 3:12  
SC PUBLIC SERVICE  
COMMISSION

IN RE:

)  
)  
) Application of Carolina Water Service,  
) Inc. for approval of a contract with  
) Ashworth Development Company and  
) Hitchens Development Company, d.b.a.  
) Heron Cove Joint Venture to serve  
) Phases 5 and 6 of Heron Cove  
)  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day one (1) copy of the **Affidavit of Publication** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Florence P. Belser, Esquire  
Nanette S. Edwards, Esquire  
**Office of Regulatory Staff**  
Post Office Box 11263  
Columbia, South Carolina 29211

Andrea M Wright  
Andrea M. Wright

Columbia, South Carolina  
This 16<sup>th</sup> day of January, 2007.

Attorney Willoughby + Hoefel, PA

# The Herald

ROCK HILL, S.C.

Cost of Advertisement \$             
Cost of Affidavit \$             
TOTAL \$ 0

STATE OF SOUTH CAROLINA  
County of York

I, Dale Richardson  
of The Herald, a newspaper published in York  
County, South Carolina, being duly sworn, certify  
that the attached advertisement of:  
**LEGAL NOTICE**

was duly published in the afore said newspaper once  
a week for 1 consecutive week(s)

beginning with the  
issue dated 1/3/07  
(Signed) Dale Richardson of The Herald  
Sworn to and subscribed before me this 3rd  
day of January 2007

Dale C. Hoefel  
Notary Public for South Carolina  
My Commission Expires August 20, 2015  
My commission expires           

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
DOCKETING DEPARTMENT  
NOTICE OF FILING  
DOCKET NO. 2006-393-W/S

APPLICATION OF CAROLINA WATER SERVICE, INC. FOR APPROVAL OF A CONTRACT WITH ASHWORTH DEVELOPMENT COMPANY AND HITCHENS DEVELOPMENT COMPANY, D.B.A. HERON COVE JOINT VENTURE TO SERVE PHASES 5 AND 6 OF HERON COVE SUBDIVISION

Carolina Water Service, Inc. ("Applicant" or "Utility") has filed with the Public Service Commission of South Carolina ("Commission"), pursuant to 35 S.C. Code Ann. Reas. 103-541 and 103-728 (Supp. 2005) an application for approval of a contract between it and Ashworth Development Company and Hitchens Development Company, d.b.a. Heron Cove Joint Venture ("Developer").

The Applicant is a public utility currently authorized to operate water and wastewater systems under the jurisdiction of the Commission. The Applicant is currently operating certain water and wastewater systems in York County, South Carolina. The Applicant and the Developer have entered into an agreement for water and sewer service dated November 13, 2006.

The Utility's River Hills System currently serves the existing phases of the Heron Cove Subdivision. Pursuant to the agreement, the Applicant proposes to serve Phases 5 and 6 which will consist of approximately sixty-eight (68) additional single family residences. The Agreement provides, inter alia, that the Developer will construct all of the necessary water and sewer facilities ("Facilities") to connect the proposed development to the Utility's River Hills System, acquire all necessary easements and rights-of-way ("Easements") and convey such Facilities and Easements to the Applicant. Performance of the Agreement is conditioned upon its approval by the Commission.

According to the Application, the proposed development is within the Applicant's Commission authorized Service Area in York County. The Application reveals that no other public or governmental utility is currently authorized to serve or serving the proposed development.

A copy of the Company's Application can be obtained from the Commission at the following address: Public Service Commission of South Carolina, Docketing Department, 181 Executive Center Drive, Columbia, South Carolina 29201. Additionally, the Application is available on the Commission's website at [www.psc.sc.gov](http://www.psc.sc.gov) and is available from John M. S. Hoefel, Esquire, Willoughby & Hoefel, P.A., Post Office Box 8416, Columbia, South Carolina 29202-4416.

A public hearing, if scheduled, will be held in the Commission's Hearing Room, 301 Building Park, Suite 100, Building 10, Executive Center Drive, Columbia, South Carolina, for the purpose of receiving testimony and other evidence from all interested parties regarding this Application. The time and date of this hearing will be furnished to all interested parties at a later date.

Any person who wishes to participate in this matter, as a party of record with the right of cross-examination should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before January 24, 2007. Such Petition should include the name and address of the person filing the Petition to Intervene, the Petitioner's address for receipt of future Commission correspondence, and the Petitioner to Intervene. Please refer to Docket No. 2006-393-W/S.

Any person who wishes to testify and present evidence at the hearing, if scheduled, should notify the Docketing Department, in writing, at the address below, the Office of Regulatory Staff, Post Office Box 11283, Columbia, South Carolina 29211 and John M. S. Hoefel, Esquire, at the above address, on or before January 24, 2007, and indicate the amount of time required for his presentation. Please refer to Docket No. 2006-393-W/S.

Any person who wishes to be notified of the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Docketing Department, in writing, at the address below on or before January 24, 2007. Please refer to Docket No. 2006-393-W/S.

Docket No. 2006-393-W/S  
Carolina Water Service, Inc.  
Notice of Filing - Phase 2

PLEASE TAKE NOTICE: Any person who wishes to have his or her comments considered as part of the official record of this proceeding MUST present such comments, in person, to the Commission during the hearing.

Persons seeking information about the Commission's Procedures should contact the Commission at (803) 696-5100.

Public Service Commission of South Carolina  
Attn: Docketing Department  
Post Office Drawer 11428  
Columbia, South Carolina 29211

1/2/2006-cba  
0653166

Attorney

No. 0855 1156 \$ 303.56

Filed with

On (date) 1/3 2007

## CERTIFICATION OF PUBLICATION OF LEGAL NOTICE IN

# The Herald

Rock Hill, York Co., S.C. for 1 consecutive

week(s), beginning 1/3/07

vs.

Paid

Date 20

EXTRA CHARGE FOR LOST  
DUPLICATE AFFIDAVITS

THIS IS AN IMPORTANT  
LEGAL DOCUMENT.  
PLEASE DO NOT DESTROY!